

House Bill 593

By: Representatives Maxwell of the 17th, Hembree of the 67th, Heckstall of the 62nd, Murphy of the 23rd, and Randall of the 138th

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to proceedings for forfeiture of bonds or recognizances, so as to require strict compliance with the notice to the surety for an execution hearing for the failure of a principal to appear; to provide for a structure of bond forfeiture amounts under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to proceedings for forfeiture of bonds or recognizances, is amended in Code Section 17-6-71, relating to the execution hearing on failure of principal to appear, by striking said Code section in its entirety and inserting in lieu thereof the following:

"17-6-71.

(a) The judge shall, at the end of the court day, upon the failure of the principal to appear for his or her first court appearance, forfeit the bond and order an execution hearing not sooner than 120 days but not later than 150 days after such failure to appear. Notice of the execution hearing shall be served within ten days of such failure to appear by certified mail or statutory overnight delivery to the surety at the address listed on the bond or by personal service to the surety within ten days of such failure to appear at its home office or to its designated registered agent. Service shall be considered complete upon the mailing of such certified notice. Service on the surety shall be strictly complied with and failure to comply with the ten-day notice requirement will result in a bond forfeiture as set forth in subsection (b) of this Code section.

(b) If notice of the execution hearing is provided after the tenth day but prior to 15 days after the order for the execution hearing, the surety shall only be liable for 95 percent of the face amount of the bond, which amount includes all surcharges. If notice is provided after the fifteenth day but prior to 30 days after the order for the execution hearing, the surety

1 shall only be liable for 50 percent of the face amount of the bond, which amount includes
2 all surcharges. If notice is not provided within 30 days of the order for an execution
3 hearing, the surety shall not be liable for the amount of the bond and no judgment shall
4 issue against the surety as provided by subsection (c) of this Code section.

5 ~~(b)~~(c) If at the execution hearing it is determined that judgment should be entered, the
6 judge shall so order and a writ of fieri facias shall be filed in the office of the clerk of the
7 court where such judgment is entered. The provisions of this subsection shall apply to all
8 bail bonds, whether returnable to superior court, state court, probate court, magistrate court,
9 or municipal court."

10 **SECTION 2.**

11 All laws and parts of laws in conflict with this Act are repealed.